



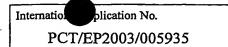


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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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anslation internati	ONAL PRELIMINARY EXAMINATION REPORT				
	(PCT Article 36 and Rule 70)				
Applicant's or agent's file reference 0000053644 FOR FURTHER ACTION See Notification of Transmittal of Int Preliminary Examination Report (Form PCT/III)					
International application No. PCT/EP2003/005935	International filing date (day/month/year) Priority date (day/month/year) 06 June 2003 (06.06.2003) 13 June 2002 (13.06.2002)				
International Patent Classification (IPC) or r C08G 18/40	national classification and IPC				
Applicant	BASF AKTIENGESELLSCHAFT				
This report is also accompa	sheets, including this cover sheet. anied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have basis for this report and/or sheets containing rectifications made before this Authority in 607 of the Administrative Instructions under the PCT).				
IV Lack of unity of it V Reasoned statem citations and exp VI Certain document VII Certain defects in	nt of opinion with regard to novelty, inventive step and industrial applicability invention ent under Article 35(2) with regard to novelty, inventive step or industrial applicability; lanations supporting such statement				
Date of submission of the demand 06 November 2003 (06	.11.2003) Date of completion of this report 20 August 2004 (20.08.2004)				
Name and mailing address of the IPEA/El	P Authorized officer				
}					





I. Basis of th	I. Basis of the report								
1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):									
	the international application as originally filed.								
\boxtimes	the description, pages1-17		_, as originally filed,						
		pages	_, filed with the demand,						
			_, filed with the letter of,						
		pages	_, filed with the letter of						
\square	the claims,	Nos. 1-17	_, as originally filed,						
		Nos	, as amended under Article 19,						
		Nos	_ , filed with the demand,						
		Nos	, filed with the letter of,						
		Nos.	_ , filed with the letter of						
	the drawings,	sheets/fig	_ , as originally filed,						
		sheets/fig	_ , filed with the demand,						
		sheets/fig	, filed with the letter of,						
		sheets/fig	, filed with the letter of						
2. The amend	lments have result	ed in the cancellation of:							
	the description,	pages							
	the claims,	Nos							
	the drawings,	sheets/fig							
3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).									
4. Additional observations, if necessary:									
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v.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
1.	Statement						
	Novelty (N)	Claims	5, 8, 14, 15	YES			
		Claims ·	1-4,6,7,9-13,16,17	NO			
	Inventive step (IS)	Claims		YES			
		Claims	1-17	NO			
	Industrial applicability (IA)	Claims	1-17	YES			
		Claims		NO			

2. Citations and explanations

Reference is made to the following document:

D1: CH 426 252 A (BASF AG) 15 December 1966 (1966-12-15)

Novelty (PCT Article 33(2))/Inventive step (PCT Article 33(3))

In the letter of 30 April 2004, the applicant states that claim 7 in the version filed with the letter of 5 November 2003 has been incorporated in claim 1.

The current method claim 1 contains the conversion of polyisocyanates a) with "b) at least one acrylate polyol having a hydroxyl number between 15 and 500 mg KOH, which can be produced by copolymerizing hydroxy-functional (meth) acrylates with ethene...".

If page 5, lines 5 to 13, "Furthermore, they [the acrylate polymers] can also be produced by copolymerizing the acrylate monomers with other aliphatic or aromatic, ethylenically unsaturated monomers...", is used to interpret claim 1, the acrylate polyol can be produced by the aforementioned copolymerization, but this does not represent a

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restriction.

Therefore the objections concerning novelty and inventive step, as per the written opinion of 16 March 2004 with respect to D1, are upheld.

The polyol mixture claimed in claim 17 and consisting of at least one acrylate polyol and at least one polyether alcohol or a polyester alcohol, which is suitable for producing PU foamed materials, is also anticipated by D1 in a manner prejudicial to novelty, since, in D1, example 1, the resultant OH-containing mixed polymer, based on acrylic acid 4-hydroxybutyl ester, is mixed with polypropylene glycol as polyether, resulting in an elastic foamed material (D1: example 1).

Therefore the subject matter at least of the current independent claims 1, 16 and 17 is anticipated and the application thus fails to meet the requirement of PCT Article 33(2).